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19 Okay. Our next speaker is Mary Ellen Giampaoli.

20 MS. GIAMPAOLI: Thank you. My name is Mary  
21 Ellen Giampaoli. I work with the Nye County Department of  
22 Natural Resources and Federal Facilities and I'm assisting in  
23 the review of this EIS.

24 In the area of NEPA --

25 MS. DIXON: I can't hear you.

1 MS. GIAMPAOLI: You can't hear me? Is that  
2 better?

3 I've already spoken earlier today, but I'll state  
4 my comments again for the sake of the record.

5 Nye County has undertaken review of the Impact  
6 Statement and at this time will state its preliminary issues  
7 and comments. We will follow up with written comments at the  
8 end of 180 days public review and comment period.

9 The purpose of the Impact Statement is to  
10 identify and evaluate potential impacts that will likely occur  
11 in DOE beginning the construction, operation and closure of the  
12 proposed repository at Yucca Mountain.

1 13 Nye County finds that the DOE has prepared an EIS  
14 that presents the perspective of a single federal agency in its  
15 analysis of potential impacts and its proposed action.

16 Unfortunately we find that the EIS does not  
17 incorporate assumptions, methods, viewpoints and analyses of  
18 the host county.

19 Because of this narrow agency viewpoint, the EIS  
20 does not realistically define affected environments and  
21 appropriate regions of influence. It ignores data that has

22 been collected by Nye County in its technical oversight program  
23 and fails to identify other federal actions and policies  
24 affecting Nye County in their analysis of the cumulative  
25 impact.

1 We find that the DOE analysis fails to consider  
2 how this action proposal could potentially impact the  
3 residents, the people of Nye County who are the citizens who  
4 are most directly affected, in short-term consequences and  
5 long-term risks that will be associated with the repository.

6 Thus Nye County believes that this EIS is  
7 inadequate and requests that prepare a Supplemental EIS that  
8 will address these inadequacies and that this draft be prepared  
9 and released for public comment.

10 As the host county, Nye County is the local  
11 jurisdiction most affected by the action proposal. You should  
12 afford local governments the opportunity to identify potential  
13 impacts as they affect the local environment, especially when  
14 an action is site specific as the repository action.

15 This -- this opportunity has not been fairly  
16 afforded to Nye County and has been denied cooperating agency  
17 status.

18 Just as the EIS acknowledged the views of Native  
19 American tribes in the region, EIS should acknowledge the views  
20 of the host county.

21 The viewpoints and analysis provided by Nye  
22 County which are referenced, but not incorporated, should be  
23 formally adopted by the DOE in their Final EIS as the official  
24 position of Nye County.

6

25 Another area. DOE and their EIS fails to

1 identify several of the indirect, the direct cumulative and the  
2 indirect cumulative impacts in the locale of the proposed  
3 action which is required under NEPA 40 CFR 1508.27.

4 Nye County has through the administrative process  
5 provided DOE with its perspective on these issues and analysis  
6 of the consequences.

7

7 DOE also fails to include other reasonably  
8 foreseeable action proposals that are identified in other  
9 federal, state and local documents.

10 For instance, the policies of the Department of  
11 Interior and the National Park Service to protect all water  
12 rights applications in Nye County has not been identified as an  
13 impact on the availability of water resources in Nye County,  
14 Nevada.

8

15 DOE also relies upon the analyses that will be  
16 performed by the federal agencies where those agencies failed  
17 to identify impacts to Nye County.

18 In this vain, Nye County has provided supporting  
19 analysis and documentations to other federal agencies through  
20 their NEPA processes, as well, but these were ignored.

9

21 Nye County has repeatedly attempted to utilize  
22 the administration process to inform DOE and other federal  
23 agencies of the impacts that have occurred, continue to occur  
24 and will likely be exacerbated by the implementation of yet  
25 another federal action in Nye County.

1 Federal agencies have repeatedly failed to  
2 fulfill their obligations through NEPA and failed to provide  
3 mitigating measures that are normally required.

4 Nye County will continue to identify  
5 environmental issues, the potential impacts and what they  
6 believe to be the appropriate mitigation measures and will  
7 ensure that the county's position is made part of the  
8 administrative record in this NEPA process.

10

9 With respect to transportation, Nye County knows  
10 that DOE has not made other transportation commitments in the  
11 EIS, and although the county recognizes that such is not  
12 required under NEPA, such decisions and commitments are  
13 necessary for the host county to effectively conduct its  
14 planning efforts.

15 Instead DOE has summarily determined that all  
16 effects can be absorbed by local jurisdictions, including Nye  
17 County where all of the waste shipments will eventually  
18 terminate.

19 Yet if the DOE consulted with our Public Works  
20 and road department as the NEPA recommends, they would have  
21 found that many of their findings that are presented in the EIS  
22 are not supported by real data, but rather by assumptions.

23 Nye County will then comment to DOE, provide the  
24 additional and direct data regarding our road condition for  
25 incorporation into your next draft.

11

1 Nye County has developed transportation criteria  
2 and has formal resolution potentially affecting the  
3 transportation of radioactive waste on roads of Nye County.

4

4                   These criteria and resolutions are part of the  
5 county's formal planning effort, and as such, DOE must identify  
6 any inconsistencies with these criteria and address how any  
7 resulting impacts will be mitigated.

12                   8                   It is unacceptable for DOE to identify, assess  
9 and evaluate alternatives for and impacts of repository  
10 transportation solely from their own point of view and without  
11 the active participation of the host county.

13                   12                   Nye County expects the DOE analysis to include a  
13 specific transportation proposal regarding the mode, the route,  
14 the equipment, the operation such as can be identified in the  
15 site recommendation.

16                   We find that it's unacceptable to prepare such a  
17 site recommendation that does not include a specific proposal  
18 and it's unacceptable to refrain from identifying the specific  
19 proposal in the EIS.

14                   20                   In that vain, Nye County finds the shipment of  
21 high-level waste on the US 95 corridor by legal weight or heavy  
22 haul truck is unequitable and unacceptable.

15...               23                   The Chalk Mountain route, since it avoids the  
24 rural communities in Nye County, is the preferable route for  
25 rail shipments and the only potentially acceptable route for  
1 heavy haul shipments.

2                   MR. BROWN:   Five minutes.

3                   MS. GIAMPAOLI:   Okay.  I'll wrap up.

15...               4                   The DOE again exhibits its federal viewpoint by  
5 referring to the Air Force and identifying its alternative

...15

6 routing as not a preferred route.

16

7 Again the DOE places the federal emission  
8 requirements over the health and safety concerns of the  
9 citizens of Nye County.

17

10 Finally, with the cessation of nuclear weapons  
11 testing in 1992, Nye County has made substantial efforts to  
12 plan for its economic future in the US 95 corridor.

13 The DEIS does not recognize these plans and does  
14 not reflect the DOE obligation to ensure that the Yucca  
15 Mountain repository will not thwart those plans.

18

16 Nye County by virtue of its location,  
17 characteristics and overwhelming federal presence has been  
18 disproportionately impacted by past, present and continuing  
19 federal action.

20 Nye County must receive equity offset, mitigation  
21 and compensation from the United States to mitigate cumulative  
22 impacts of these past and present actions and the proposed  
23 repository should it go forward.

24 Through Nye County's analysis and evaluations, a  
25 range of direct and indirect cumulative impacts that have been

1 identified in the area of water resources, lost economic  
2 opportunity, risk perceptions, stigma and others.

3 Nye County believes that these impacts, although  
4 adverse and significant, can be mitigated through various  
5 measures.

6 Nye County will present the technical basis and  
7 evaluations to support their position that impacts stemming  
8 from the implementation of the proposed action to be mitigated,

9 and will continue to request considerations for NEPA.

10 MR. BROWN: Thank you.

11 MS. DIXON: Thank you for your comments.